

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 6, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, July 6, 1939, at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilman Simon Gillis.

The reading of the Minutes was dispensed with.

The following report of the Board of Adjustment was received:

"Austin, Texas
July 6, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 29, 1939:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of the City Council of the City of Austin requesting a change in the Use designation of the following property:

Both sides of San Jacinto Boulevard from 16th Street to
19th Street

from "C" Commercial District to "C-2" Commercial District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on June 29, 1939, at which hearing a number of protests against this change were registered from property owners adjacent and near the property in question; and

WHEREAS, the Board carefully considered all of the arguments for and against this change, viewed the property and took into consideration the conditions surrounding this property, the trend of development in this neighborhood, and otherwise considered the question in the light of fundamental zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council for the following principal reasons:

1. That the property proposed to be changed is surrounded by a residential district occupied largely by students of the University of Texas, and that the present amount of commercial property along San Jacinto Boulevard is ample to provide for the needs of this section of the City for a considerable period of time, and that its expansion eastward and westward is relatively remote and therefore the residential character of the surrounding property would not be changed in the immediate future.
2. That to establish a liquor zone in this area would not be to the best interest of the neighborhood and the University of Texas and the vast student body attending the University, inasmuch as no distinction is made in the Ordinance between the sale of beer and the sale of whiskey, gin, and other hard liquors.
3. That the establishment of a liquor zone of this extent would not fit into a comprehensive city plan, inasmuch as a large "C-2" Commercial District was created for the express purpose of segregating the liquor traffic in a single zone to permit its more efficient supervision and policing.
4. That two previous appeals for liquor permits in this area have been denied by the Board on the same grounds.
5. That if this extension of this zone is created, it would be equally consistent to extend the same along 19th Street to include the new community development and the progress of construction, and it would be difficult to fix a definite boundary of such a district without prejudicing property rights.

Respectfully submitted

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman.

In accordance with published notice thereof, the Mayor announced the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change same from "C" Commercial District to "C-2" Commercial District:

The property located on both sides of San Jacinto Street from 16th to 19th Streets, in the City of Austin, Texas, and more particularly described as follows: all of Lots 1, 2, the south 44 feet of Lot 3, all of Lot 4, the north 2 feet of Lot 3, all of Lots 5 and 6 in Outlot 53, Division "E", Plat 2; 120' on San Jacinto Street x 78 feet; 46 feet on San Jacinto Street x 134.59 feet; 110 feet on San Jacinto Street by 134.59 feet, in Outlot 52, Division "E", Plat 2; 320 feet on San Jacinto Street x 138 feet in Outlot 51, Division "E", Plat 2; 48 feet on San Jacinto Street x 90 feet; 57.3 feet on San Jacinto Street x 90 feet; 171 feet on San Jacinto Street x 171 feet, in Outlot 56, Division "E", Plat 3; all of Lot 1, the west 25 feet of Lot 2, all of Lot 18, 64 feet on San Jacinto x 70 feet, south part of Lot 19, 64 feet on San Jacinto Street by 65.5 feet, north part of Lot 19, 104.7 feet on San Jacinto Street x 70 feet, and 70 feet x 10 feet of Lot 36, 70 feet on San Jacinto Street by 60 feet, north part of Lot 36, in Outlot 57, Division "E", Plat 3.

Petitions by G. H. Brush, et al., Mrs. Howard Blomquist, et al., Mrs. T.S. Hill, et al., and Otto Knappe, et al., protesting the proposed change, were received.

The following property owners appeared and protested the proposed change on the grounds that it would be detrimental to the welfare of the student body of the University of Texas, would interfere with the peaceful enjoyment of their homes, and would increase traffic hazards: G. D. Simmons and Dean V. I. Moore, representing the University of Texas; Roy E. Leigh; Mrs. A. E. Reno; Mrs. M. B. Brown; and Miss Erminia T. Folsom. The written protest of Mrs. M. Wende was also received.

No other property owners or interested persons desiring to be heard, Mayor Miller moved that the change in zoning be not granted. The motion lost by the following vote: Ayes, Councilman Bartholomew and Mayor Miller; nays, Councilmen Alford and Wolf; absent, Councilman Gillis.

It was the unanimous agreement of the Council that, if reopened, the foregoing matter would come before the Council as new business.

A public hearing on the proposal to change the zoning of the property on the north side of West Sixth Street from San Antonio Street to West Avenue, from "C" Commercial District to "C-2" Commercial District, was called for Thursday, July 27, 1939, at 11:00 A. M.

Letters from Carl M. Rosenquist and Lee M. Hollander, et al., protesting the proposed sale of the triangular tract of land at the southeast corner of West 24th Street and Shoal Creek Boulevard, were received and filed.

R. W. Byram appeared before the Council to find out how the proposed highway along Shoal Creek Boulevard would affect his and other adjoining property, and the matter was fully discussed with him.

Councilman Bartholomew introduced the following resolution:

WHEREAS, the Southwestern Greyhound Lines, Inc., have previously been given a routing by the Police Department for their buses to and from San Antonio, from Congress Avenue to Brazos Street via Fourth Street; and

WHEREAS, it is now found that route over Fourth Street is impracticable on account of a freight depot that has been established at Fourth and Brazos Streets; and

WHEREAS, the Southwestern Greyhound Lines, Inc., have requested that this

routing be changed from Fourth Street to Second Street, and the Police Department, Traffic Division, has approved this change; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be instructed to advise the Southwestern Grayhound Lines, Inc., that their request has been granted and that their buses to and from San Antonio will use Second Street instead of Fourth Street in crossing from Congress Avenue to Brazos Street.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The following certificate of the City Manager relative to cancelled bonds destroyed was received and ordered spread on the Minutes:

THE STATE OF TEXAS :
COUNTY OF TRAVIS
CITY OF AUSTIN :

This is to certify that I have, on this twenty-ninth day of June, 1939, as directed by a resolution passed by the City Council of the City of Austin, Texas, and in the presence of the undersigned attesting witnesses, caused the following numbered and otherwise described cancelled bonds to be destroyed by cremation in the City Incinerator, together with sundry cancelled coupons paid by the City of Austin, Texas, on its bonded debt.

YEAR	DESCRIPTION	BONDS		INTEREST COUPONS	TOTAL
		NUMBERS	AMOUNT		
1910	School			\$ 1,500.00	\$ 1,500.00
1912	School	86-150	\$ 61,000.00	3,300.00	64,300.00
	Less: 101-126-142-145				
1912	Sanitary Sewer	201-210	10,000.00	2,450.00	12,450.00
1912	Street Improvement	201-210	10,000.00	2,225.00	12,225.00
1915	School	171-180	10,000.00	4,000.00	14,000.00
1915	Sanitary Sewer	45- 46	2,000.00	300.00	2,300.00
1915	Street, Bridge & Sewer	306-320	15,000.00	5,950.00	20,950.00
1916	Refunding	820-858	39,000.00	16,648.75	55,648.75
1917	Ridgetop School District			250.00	250.00
1918	School	29- 30	2,000.00	1,050.00	3,050.00
1918	Sewage Disposal Plant	96-100	2,500.00	2,625.00	5,125.00
1921	Hospital	13	1,000.00	1,080.00	2,080.00
1923	Govalle School District			150.00	150.00
1924	Garbage Incinerator	17- 18	2,000.00	1,625.00	3,625.00
1924	School	74- 81	8,000.00	21,175.00	29,175.00
1924	Water Filtration Plant	81- 88	8,000.00	10,800.00	18,800.00
1926	School	32- 35	4,000.00	5,652.50	9,652.50
1928	Hospital 1-1	20- 21	2,000.00	3,442.50	5,442.50
1928	School	50- 56	7,000.00	11,082.50	18,082.50
1928	Street Improvement	32- 35	4,000.00	6,362.50	10,362.50
1928	Airport	14- 15	2,000.00	2,740.00	4,740.00
1928	Fire Stations	14- 15	2,000.00	2,740.00	4,740.00
1928	Parks & Playgrounds	14- 15	2,000.00	2,695.00	4,695.00
1928	Hospital 11-1	10	1,000.00	1,810.00	2,810.00
1928	Sanitary Sewer	10	1,000.00	680.00	1,680.00
1929	Street Improvement 5-1	79- 90	12,000.00	20,733.75	32,733.75
1929	Sanitary Sewer 5-1	39- 43	5,000.00	10,046.25	15,046.25
1929	Parks & Playgrounds 5-1	29- 33	5,000.00	8,217.50	13,217.50
1929	Fire Stations 5-1	4	1,000.00	1,116.25	2,116.25
1929	Street Improvement 12-16	74- 86	13,000.00	24,723.75	37,723.75
1929	Sanitary Sewer 12-16	23- 26	4,000.00	7,172.50	11,172.50
1929	Parks & Playgrounds 12-16	20- 22	3,000.00	6,127.50	9,127.50
1929	Abattoir 12-16	10- 11	2,000.00	3,087.50	5,087.50
1931	Street Improvement	76- 90	15,000.00	29,331.25	44,331.25
1931	Sanitary Sewer	13- 14	2,000.00	4,132.50	6,132.50
1931	Parks & Playgrounds	22- 25	4,000.00	8,407.50	12,407.50
1932	Public Library	14- 16	3,000.00	6,775.00	9,775.00
1932	Fire Stations	6	1,000.00	2,225.00	3,225.00
1935	Public Market	5- 7	3,000.00	2,780.00	5,780.00
1936	School	14- 26	13,000.00	9,915.00	22,915.00
1936	Parks & Playgrounds	4- 6	3,000.00	1,710.00	4,710.00
1937	Fire Stations	1- 5	5,000.00	2,750.00	7,750.00
			<u>\$289,500.00</u>	<u>\$261,585.00</u>	<u>\$551,085.00</u>
1934	4% Revenue Bonds	259-303	\$ 45,000.00	\$ 12,960.00	\$ 57,960.00
1936	3% Revenue Bonds	51-100	50,000.00	10,620.00	60,620.00
			<u>\$ 95,000.00</u>	<u>\$ 23,580.00</u>	<u>\$118,580.00</u>
			<u>\$384,500.00</u>	<u>\$285,165.00</u>	<u>\$669,665.00</u>

WITNESSES:

(Signed) C. F. Alford
Tom Miller
Oswald G. Wolf.

(Signed) Guiton Morgan
City Manager
City of Austin,
Texas.

Councilman Alford introduced the following resolution and moved its adoption. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The Mayor declared the resolution finally passed.

The resolution is as follows:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and G. S. Moore, in direct charge of Docket Number Texas-1847-1-P-F, being the project for the construction of Electric Power Plant and System Improvements, have reported that the contract for the construction of street lights for the City of Austin has been completed by Fritz Ziebarth, General Contractor, in accordance with the approved plans and specifications, and in compliance with the rules and regulations of the Administration of Public Works, and in a manner acceptable to the P.W.A. Resident Engineer Inspector, and have recommended to the City Council the acceptance of the contract and the payment of the final estimate due thereon; and

WHEREAS, the City Council has inspected said contract and the works thereunder and is of the opinion that same should be finally accepted; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said contract and the works thereunder is hereby accepted as completed and the City Manager be and is hereby authorized and directed to approve the final estimate and to issue warrants in payment thereof, and that he be further authorized and directed to release the contractor from any further liability in connection with the said work, and to authorize cancellation of the bonds guaranteeing the successful completion of the contract.

A written request from the Austin Trades Council, asking for permission to use Congress Avenue in staging their parade on Labor Day, September 4, was received. Mayor Miller moved that the request be granted, and that the City Government cooperate in making the parade a success. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

A petition by citizens of Hyde Park and North Austin, asking that the Austin Street Railway Company be required to furnish adequate and economical transportation on buses should the street cars be discontinued, received, and the matter taken under advisement for consideration when the question comes up.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 24TH STREET easterly 100 feet from a point 64 feet east of Oloham Street, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said East 24th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in LAFAYETTE AVENUE northerly 50 feet from a point 70 feet north of the north line of East 32nd Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Lafayette Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in LAMBIE STREET from San Marcos Street easterly 438 feet, the centerline of which gas main shall be 17 feet south of and parallel to the north line of said Lambie Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in WEST 37TH STREET westerly 62 feet from a point 261 feet west of the west line of Oakmont Boulevard, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said West 37th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in SAN PEDRO STREET southerly 62 feet from a point 4 feet south of the south line of West 28th Street, the centerline of which gas main shall be 9 feet west of and parallel to the east line of said San Pedro Street.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice, that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Alford introduced the following resolution:

WHEREAS, in Book 3, at page 107, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Westfield "A"; and

WHEREAS, upon said map or plat there are shown various streets; and

WHEREAS, one of which streets is known and designated as Possum Trot; and

WHEREAS, Roswell G. Miller, who states that he is the owner of all property facing on the street in question, has petitioned the City Council of the City of Austin to change the name of Possum Trot to that of Wayside Drive; and

WHEREAS, said petition has been reviewed and considered by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain street known and designated as Possum Trot, as shown upon the

aforesaid map or plat of said Westfield "A", be known and designated hereafter as
WAYSIDE DRIVE.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Wolf introduced the following resolution:

"Austin, Texas
July 6, 1939

Mr. Guiton Morgan
City Manager
Austin, Texas

FF-269

Dear Sir:

We, the undersigned, have considered the application of the Magnolia Petroleum Company, acting by and through J. L. Dunn, Agent, owner of a portion of Lot 7, Block 157, of the Original City of Austin, Travis County, Texas, which property is situated at the southwest corner of the intersection of Lavaca Street and West 14th Street within the City of Austin, Travis County, Texas, for permission to reconstruct, maintain, and operate a drive-in gasoline filling station at the above described location, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

Storm water drainage facilities exist at this location.

We recommend that the Magnolia Petroleum Company, acting by and through J. L. Dunn, Agent, be granted permission to reconstruct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the building ordinance, the Zoning Ordinance; the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley, and shall deposit in escrow with the City a sum equal to said estimate.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-244.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-244, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral
City Engineer

J. C. Eckert
Building Inspector. "

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property owned by the Magnolia Petroleum Company, being a portion of Lot 7, Block 157, Original City of Austin, Travis County, Texas, and being situated at the southwest corner of the intersection of Lavaca Street and West 14th Street, within

the City of Austin, Travis County, Texas, and hereby authorizes the said Magnolia Petroleum Company, acting by and through J. L. Dunn, Agent, to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Magnolia Petroleum Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Wolf introduced the following resolution:

" Austin, Texas
July 6, 1939

Mr. Guiton Morgan
City Manager
Austin, Texas

File #FF-549

Dear Sir:

We, the undersigned, have considered the application of the Magnolia Petroleum Company, acting by and through J. L. Dunn, Agent, for permission to reconstruct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located at the northwest corner of the intersection of East 19th Street and Speedway, which property is owned by the said Magnolia Petroleum Company, and being Lot 39, Outlot 19, Division "D", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer exists in Speedway and in 19th Street adjacent to the above described property.

We recommend that the Magnolia Petroleum Company, acting by and through J.L.Dunn, Agent, be granted permission to reconstruct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley, and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-241.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-241 and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral
City Engineer

J. C. Eekert
Building Inspector "

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northwest corner of the intersection of East 19th Street and Speedway, which property is owned by the Magnolia Petroleum Company, and is designated as Lot 39, Outlot 19, Division "D", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Magnolia Petroleum Company, acting by and through J. L. Dunn, Agent, to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Magnolia Petroleum Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The following report of Board of Adjustment was received:

" Austin, Texas
June 30, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on June 29, 1939, passed the following resolution:

RESOLUTION.

WHEREAS, the present Use designation maps of the City of Austin show the area lying between Canadian Street and Pleasant Valley Road and extending south from East Second Street to within 150 feet of East First Street to be zoned as "A" Residence District, and the Height and Area map shows this area as a Third Height and Area District; and

WHEREAS, the classification of "A" Residence District as a Third Height and Area District is incompatible with the requirements of "A" Residence District inasmuch as the Height and Area requirements under the ordinance would defeat and practically nullify all the requirements of the "A" Residence District with respect to set-back requirements, lot area per family requirements, lot coverage requirements, and other essential requisites for "A" Residence District; therefore

BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT:

THAT it is recommended to the City Council to amend the Zoning Ordinance so as to place this area in a First Height and Area District.

Respectfully submitted,
BOARD OF ADJUSTMENT, By H.F. Kuehne, Chairman. "

A public hearing on the proposal to change the property described in the foregoing report of the Board of Adjustment from Third Height and Area District to First Height and Area District was called for Thursday, July 27, 1939, at 11:00 A. M.

The following report of the Board of Adjustment was received:

" Austin, Texas
June 30, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on June 29, 1939, passed the following resolution:

R E S O L U T I O N .

WHEREAS, the Housing Project for Mexican families is now being occupied, and the Project for White families is well under construction, a careful consideration of the zoning classifications of the surrounding properties discloses the need for further protection of these Projects by raising the classification of certain properties adjoining and adjacent to these Projects; and

WHEREAS, it is now contemplated to enlarge these Projects and the need for such changes and protection is more urgent; and

WHEREAS, the officials of the United States Housing Authority have requested that such protection be given to these Projects by amending the Zoning Ordinance, which would raise the classification of these properties surrounding the Projects; therefore

BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the Zoning Ordinance be amended so as to change the Use designation and the Height and Area designation of the following properties adjacent to the Housing Projects:

1. White Housing Project, Tex-1-1:

(a) That the one-half block north of East 4th Street between Chicon Street and Onion Street be changed from "D" Industrial District and "E" Heavy Industrial District and Third Height and Area District as now shown on the Zoning Maps, to "B" Residence District and Second Height and Area District.

(b) That the area now shown on the Zoning Maps as "D" Industrial District, and Third Height and Area District, bounded on the north by East Fourth Street, on the east by Comal Street, on the south by a line midway between East Third Street and East Second Street, and on the west by Onion Street, be changed to "B" Residence District and Second Height and Area District.

2. Mexican Housing Project, Tex-1-3:

(a) That the area east of Pedernales Street bounded on the north by Santa Maria Street, on the east by San Saba Street, on the south by East Second Street, and on the west by Pedernales Street, now shown in the Zoning Maps as "D" Industrial District and "E" Heavy Industrial District and Third Height and Area District, be changed to "B" Residence District and Second Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

A public hearing on the proposal to change the zoning of the property as recommended in the foregoing report of the Board of Adjustment was called for Thursday, July 27, 1939, at 11:00 A. M.

The following report of the Board of Adjustment was received:

" Austin, Texas,
July 6, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on June 29, 1939, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of the Zoning Ordinance, Section 30, of the City of Austin, has referred to the Board of Adjustment for its consideration a petition of Mrs. Martha Wolf, Trustee, and

E. L. Goerner for a change in the Use District designation of that portion of Blocks 1, 2, 3, and 4, of Outlot 21, Division "O", and Blocks 1 and 4 of Outlot 22, Division "O", of the City of Austin, Texas, now zoned as "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment at a meeting held on June 29, 1939, carefully considered the changing of the "Use" District designation of this property, and has viewed the premises and carefully studied the conditions and developments surrounding the same and considered this change from all points of view from sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That it is hereby recommended to the City Council that the Use designation of this property be changed from "A" Residence District to "C" Commercial District, and that the Blocks 1 and 4 of Outlot 22 be included in this change, and that the same remain in a Second Height and Area District, for the following principal reasons:

1. That the Zoning maps of the City of Austin now show the portion of this property fronting on Third Street to be zoned as "B" Residence District, and the portion of this property fronting on First Street to be zoned as "C" Commercial District and the intervening property to be zoned as "A" Residence District, all in a Second Height and Area District; and also that this property is not now subdivided and that Second Street stops at Comal Street; therefore, the strip in the center of these Outlots is not desirable for residential purposes but is better suited for commercial purposes.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

A public hearing on the proposal to change the zoning of the property as recommended in the foregoing report of the Board of Adjustment was called for Thursday, July 27, 1939, at 11:00 A. M.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES; AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT, AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The Mayor announced that the ordinance had been finally passed.

Mayor Miller moved that it not be the intention of the City Council to change the

zoning of any territory on Shoal Creek Boulevard from 12th Street to 19th Street.

The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Alford introduced the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES; AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT, AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The ordinance was read the second time and Councilman Alford moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The Mayor announced that the ordinance had been finally passed.

Councilman Wolf moved that E. W. Wright be granted a taxicab driver's permit, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The City Attorney was instructed to prepare ordinances regulating persons engaged in the businesses of lending money without security and the sale of second-hand merchandise.

Upon motion, seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Maureen McKeen
City Clerk